

Sep 28  
5A  
DC  
6B

DEPUTY

NO.: 2001-35678

SS: 3111 67 1111

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

80TH JUDICIAL DISTRICT

FINAL JUDGMENT

BE IT REMEMBERED that on the below signed date, came on to be heard and considered the above-entitled and numbered cause, when Plaintiffs and Defendants, **HOUSTON HARRIS DIVISION PATROL, INC., MAURICO GARCIA and MARGARET GARCIA** by and through their respective attorneys of record, announced ready for trial, and the Court having proceeded to hear such cause when said parties announced to the Court that an accord and settlement as to Plaintiffs and Defendants **HOUSTON HARRIS DIVISION PATROL, INC., MAURICO GARCIA and MARGARET GARCIA** had been entered into and that the consideration of said Settlement had been paid in full, and the parties have agreed that a Judgment should be entered in favor of the Defendants, **HOUSTON HARRIS DIVISION PATROL, INC., MAURICO GARICA and MARGARET GARCIA** pertaining to the Plaintiffs. Further at the hearing on this cause on March 1, 2004, Plaintiff, **PATRICIA GARCIA, as Next Friend of DEMETRIA GARCIA, BLANCA VIDAL PARDO and VIDAL PARDO, JR.**, appeared through her attorney of record, Michael P. Von Blon. Defendant, **DELIA GARCIA DIAZ**, although duly cited to appear and answer herein, has failed to file an answer within the time allowed by law. The Court finds that Plaintiff, **PATRICIA GARCIA, as Next Friend of DEMETRIA GARCIA, BLANCA VIDAL PARDO and VIDAL PARDO, JR.**, is entitled to a Default Judgment against Defendant, **DELIA GARCIA DIAZ**. A Default should also be entered in favor of Defendant/Third Party Plaintiff **MAXIE STRONG** against Defendant **DELIA GARCIA DIAZ**. It is therefore,

ORDERED, ADJUDGED, AND DECREED that Minor Plaintiff, **BLANCA VIDAL**,

Exhibit A

**PARDO**, Social Security Number 454-81-1611, date of birth October 5, 1986, recover \$50,000.00 out of which \$21,962.90 will be paid into an annuity for the use and benefit of **BLANCA VIDAL PARDO**, a minor and \$20,000.00 will be recovered by her attorney for legal fees and \$8,037.10 will be recovered by her attorney as expenses. See schedule of periodic payments attached as Exhibit "A". It is further,

ORDERED, ADJUDGED, AND DECREED that Minor Plaintiff, **JOSE VIDAL PARDO, JR.**, Social Security Number 459-99-0725, date of birth May 28, 1988, recover \$50,000.00 out of which \$21,962.90 will be paid into an annuity for the use and benefit of **JOSE VIDAL PARDO JR.**, a minor and \$20,000.00 will be recovered by his attorney for legal fees and \$8,037.10 will be recovered by his attorney as expenses. See schedule of periodic payments attached as Exhibit "A". It is further,

ORDERED, ADJUDGED, AND DECREED that Plaintiff, **DEMETRIA GARCIA**, take nothing by reason of this her allegations in this lawsuit against Defendants **HOUSTON HARRIS DIVISION PATROL, INC.**, **MAURICO GARCIA** and **MARGARET GARCIA** and that **HOUSTON HARRIS DIVISION PATROL, INC.**, **MAURICO GARCIA** and **MARGARET GARCIA** be discharged and go hence with their costs, without day, and that such Defendants stand fully released, discharged, and acquitted as to the claims made by Plaintiff, **DEMETRIA GARCIA**.

The Court, having appointed Mr. Jose Lopez as Guardian ad Litem for Plaintiffs, **DEMETRIA GARCIA**, **BLANCA VIDAL PARDO** and **JOSE VIDAL PARDO, JR.**, who were all minors at the time of said appointment now discharges Mr. Lopez from his responsibilities as Guardian ad Litem on behalf of Plaintiff **DEMETRIA GARCIA** on the grounds that **DEMETRIA GARCIA** with a date of birth of August 30, 1985, has reached the age of majority. The Court does find that the sum of \$3,000.00 should be paid to Mr. Jose Lopez as the fee for his representation of **BLANCA VIDAL PARDO** and **JOSE VIDAL PARDO, JR.**, with such fee being reasonable and necessary while serving in that capacity. The Court further finds that said fee will be paid by the Defendants **HOUSTON HARRIS DIVISION PATROL, INC.**, **MAURICIO GARCIA** and **MARGARET GARCIA** and ORDERS that said Defendants pay said fee to Mr. Lopez.

The Court has considered the pleadings and records on file in this cause and the evidence.

Court finds that Defendant, DELIA GARCIA DIAZ, is liable for the claims asserted by Plaintiff, PATRICIA GARCIA, as Next Friend of DEMETRIA GARCIA, BLANCA VIDAL PARDO and VIDAL PARDO, JR. The Court is of the opinion that judgment should be rendered for Plaintiff, PATRICIA GARCIA, as Next Friend of BLANCA VIDAL PARDO and VIDAL PARDO, JR. as well as for Plaintiff, DEMETRIA GARCIA.

It is accordingly ADJUDGED that Plaintiff, PATRICIA GARCIA, as Next Friend of BLANCA VIDAL PARDO and VIDAL PARDO, JR., recover from Defendant, DELIA GARCIA DIAZ, judgment for:

1. The sum of \$500,000 each as to each of the two children, BLANCA VIDAL PARDO AND VIDAL PARDO, JR. as the principal amount due;
2. Interest at the rate of five (5%) per cent per annum, compounded annually, on the total judgment from the date of judgment until date of full satisfaction and payment thereof together with all costs of court expended by or in behalf of PATRICIA GARCIA, as Next Friend of BLANCA VIDAL PARDO and VIDAL PARDO, JR.

FURTHER, IT IS ADJUDGED that Plaintiff, DEMETRIA GARCIA, recover from DEFENDANT, DELIA GARCIA DIAZ, judgment for the sum of \$500,000.00, together with interest at the rate of five (5%) per cent per annum, compounded annually, on the total judgment from the date of judgment until date of full satisfaction and payment thereof, together with all costs of court expended by or in behalf of DEMETRIA GARCIA.

IT IS ORDERED that Plaintiff, PATRICIA GARCIA, as Next Friend of BLANCA VIDAL PARDO and VIDAL PARDO, JR., as well as Plaintiff, DEMETRIA GARCIA, shall have all writs of execution and other process necessary to enforce this judgment.

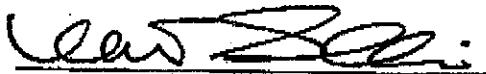
IT IS FURTHER ORDERED that Defendant, DELIA GARCIA DIAZ, shall have the right of offset on this judgment in the amount of \$150,000 to be paid by the settling parties, Defendants, HOUSTON HARRIS DIVISION PATROL, INC., MARGARET GARCIA and MAURICIO GARCIA.

ORDERED, ADJUDGED and DECREED that pursuant to Partial Summary Judgment previously granted in favor of **MAXIE STRONG**, all Plaintiff's take nothing against **MAXIE STRONG**.

ORDERED, ADJUDGED and DECREED that third-party Plaintiff, **MAXIE STRONG** do have and recover Default Judgment against Defendant, **DELIA GARCIA DIAZ** for the sum of \$6,407.02 together with interest thereon at the rate of (5%) percent per annum, compounded annually, from date of Judgment until date of full satisfaction and payment thereof together with all costs of court expended by or in behalf of **MAXIE STRONG**.

Any relief not herein granted is hereby specifically denied.

SIGNED this 21<sup>st</sup> day of June 2004.

  
JUDGE PRESIDING

APPROVED BY:

MICHAEL P. VON BLON & ASSOCIATES

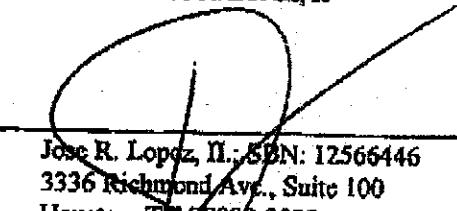
By: 

Michael P. Von Blon, TBN: 20612000  
1231 Antoine Dr.  
Houston, Texas 77055  
(713) 681-5288  
(713) 681-5388 Fax

*Attorneys for Plaintiffs, Patricia Garcia as Next Friend of*

*Blanca Vidal and Vidal Pardo, Jr., Minors,  
as well as Plaintiff, Demetria Garcia*

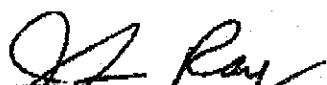
LAW OFFICES OF JOSE R. LOPEZ, II

By: 

Jose R. Lopez, II; SBN: 12566446  
3336 Richmond Ave., Suite 100  
Houston, TX 77089-3022  
(713) 624-4970  
(713) 394-9555 - Fax

*Ad Litem Attorney for Minor Plaintiffs, Blanca Pardo and Vidal Pardo, Jr.*

**DAW & RAY**  
A Professional Corporation

By: 

James L. Ray; TBN: 16604250  
Kris L. Sanders; TBN: 24004902  
Coastal Banc Plaza  
5718 Westheimer, Suite 1750  
Houston, Texas 77057  
(713) 266-3121  
(713) 266-3188 Fax

*Attorneys for Defendants, Houston Harris Division Patrol, Inc.,  
Mauricio Garcia and Margaret Garcia*

LAW OFFICES OF JOHN A. BARKER

By:

  
Mr. John A. Barker; TBN: 01745300  
5909 West Loop South, Suite 500  
Bellaire, Texas 77401  
(713) 665-3800  
(713) 665-2244 FAX

*Attorney for Defendant. Maxie Strong*

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## ADDENDUM NO. 1

DEPOT

BY

## DESCRIPTION OF PERIODIC PAYMENTS

OCT 23 2006 2:35

HAROLD C. WILSON, TEXAS

DISTRICT CLERK'S OFFICE

CLERK'S OFFICE

CLERK'S OFFICE

CLERK'S OFFICE

Payees: Blanca Vidal Pardo  
 Social Security Number 454-81-1611

Jose Vidal Pardo, Jr.  
 Social Security Number 459-99-0725

## Periodic Payments:

## Blanca Vidal Pardo:

- Monthly payments of \$470.07 (Four Hundred Seventy Dollars and Seven Cents) to commence on October 5, 2004 for 48 consecutive months with the final payment to be made on September 5, 2008.

## Jose Vidal Pardo, Jr.:

- Monthly payments of \$513.25 (Five Hundred Thirteen Dollars and Twenty-Five Cents) to commence on May 28, 2006 for 48 consecutive months with the final payment to be made on April 28, 2010.

Should death occur payable to the Estate of the Payee.

If payee is a minor, payee shall have the right to change the beneficiary as listed above at the age of majority.

A beneficiary change by any payee must be in writing to the annuity issuer and signed by the payee.

## Initials:

Claimants: \_\_\_\_\_ Patricia Garcia, as Next Friend of Blanca Vidal Pardo, a minor, and Jose Vidal Pardo, Jr., a minor.

Assignor: \_\_\_\_\_ Western Heritage Insurance Company

Assignee: \_\_\_\_\_ Allstate Assignment Company

## ABSTRACT OF JUDGMENT

CAUSE NO. 2001-35678

RECEIPT NO. 193374

PATRICIA GARCIA, AS NEXT FRIEND OF  
 MINOR CHILDREN, DEMETRIA GARCIA,  
 BLANCA VIDAL PARDO AND VIDAL  
 PARDO JR.

IN THE DISTRICT COURT  
 OF HARRIS COUNTY, TEXAS

VS.

HOUSTON HARRIS DIVISION PATROL INC.,  
 DELIA GARCIA DIAZ AND RUBEN DIAZ

80<sup>TH</sup> JUDICIAL DISTRICT

I, CHARLES BACARISSE, DISTRICT CLERK of Harris County, Texas, do hereby certify that the following and foregoing is a true and correct Abstract of the Judgment rendered in the 80<sup>TH</sup> DISTRICT COURT on the 21<sup>ST</sup> day of JUNE, 2004 in Cause No. 2001-35678 in favor of PATRICIA GARCIA, as Next Friend of BLANCA VIDAL PARDO and VIDAL PARDO, JR., Judgment Creditor(s), in Judgment, vs.

JUDGMENT DEBTOR(S)	DOB	TDL	SS#
DELIA GARCIA DIAZ 1415 SOMERCOTES CHANNELVIEW TX 77530	02/03/1964	10621017	557-11-5898

Judgment debtor(s) in said Judgment, as appears of record in my office in Image No. 2307667 for the 80<sup>TH</sup> Judicial District Court of Harris County, Texas.

Amount of Judgment: \$500,000 each as to each of the two children, BLANCA VIDAL PARDO AND VIDAL PARDO, JR.;

Rate of Interest: Interest at the rate of (5%) per cent per annum compounded annually, on the total judgment from the date of judgment until date of full satisfaction and payment thereof;

Amount of Cost: Plaintiff's Recoverable Costs: \$3,107.45;

Amount of Credits: None;

Amount Due: Full Amount;

Given under my hand and seal of said Court at Houston, Texas this 21st day of July, 2004, A.D.

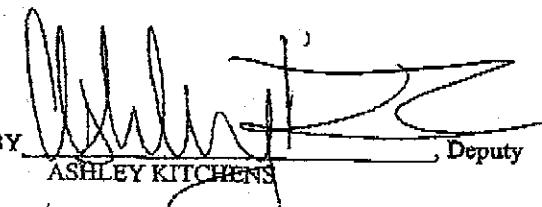
Issued at the request of:

MICHAEL VON BLON  
 MICHAEL VON BLON & ASSOC  
 1231 ANTOINE  
 HOUSTON TX 77055

CHARLES BACARISSE, District Clerk  
 HARRIS COUNTY, TEXAS

Bar No.: 20612000

Exhibit B

BY   
 ASHLEY KITCHENS Deputy

No. 2001-35678

PATRICIA GARCIA, as Next Friend of  
minor children, DEMETRIA GARCIA,  
BLANCA VIDAL PARDO and  
VIDAL PARDO, JR.

vs

HOUSTON HARRIS DIVISION  
PATROL, INC.;  
DELIA GARCIA DIAZ;  
RUBEN DIAZ and  
MAXIE STRONG

IN THE DISTRICT COURT OF

Y270378  
02/18/05 300571649

\$16.00

HARRIS COUNTY, TEXAS

80TH JUDICIAL DISTRICT

AMENDED ABSTRACT OF JUDGMENT

THE STATE OF TEXAS

COUNTY OF HARRIS

BEFORE ME, the undersigned authority, on this day personally appeared MICHAEL P.

VON BLON, attorney of record for Plaintiffs in the above cause, who, after being by me duly sworn, stated under oath and acknowledged the following facts, to-wit:

1. Judgment-Creditor: *101* Patricia Garcia, as Next Friend of minor children, Blanca Vidal Pardo and Vidal Pardo, Jr., and Demetria Garcia, as well as an undivided forty (40%) per cent portion of Judgment assigned to Michael P. Von Blon, attorney for Plaintiffs, 1231 Antoine Drive, Houston, Texas 77055, telephone number (713) 681-5288. *101*

2. Debtor: Delia Garcia Diaz, a/k/a Delia Diaz, a/k/a Delia G. Diaz.

Debtor's address: 1415 Somercotes, Channelview, Texas 77530.

Debtor's date of birth: 2/3/1964.

Debtor's Texas driver's license number: 10621017

Debtor's Social Security No.: 557-11-5898

TEXAS  
COURT RECORDS  
HARRIS COUNTY, TEXAS

15 FEB 13 PM 2:45

FILED

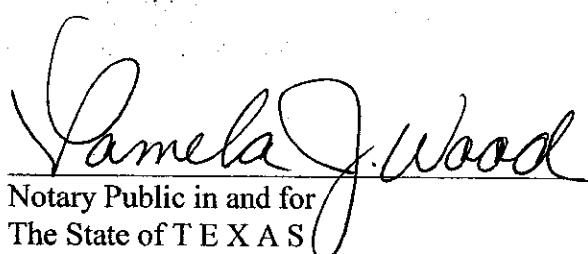
3. On June 21, 2004, Judgment was rendered in favor of **PATRICIA GARCIA, as Next Friend of BLANCA VIDAL PARDO and VIDAL PARDO, JR.**, as well as for Plaintiff, **DEMETRIA GARCIA**, in Cause No. 2001-35678 in the 80th Judicial District Court of Harris County, Texas. The principal sum of the Judgment as to each of the three above-referenced Plaintiffs is \$500,000 each, and the entire amount is due, owing and unpaid. Post-judgment interest is at the rate of five (5%) per cent per annum, compounded annually.

Prepared by:



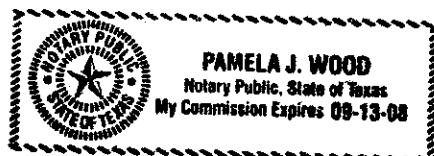
MICHAEL P. VON BLON

The above and foregoing Amended Abstract of Judgment was acknowledged before me, a notary public in and for the State of Texas, by Michael P. Von Blon on the 18<sup>th</sup> day of February, 2005.



PAMELA J. WOOD  
Notary Public in and for  
The State of TEXAS

My commission expires: \_\_\_\_\_



AFTER RECORDING, RETURN TO:

Michael P. Von Blon  
Michael P. Von Blon & Associates  
1231 Antoine  
Houston, Texas 77055

✓ ✓

ANY PROVISION HEREIN WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE DESCRIBED REAL PROPERTY BECAUSE OF COLOR OR RACE IS INVALID AND UNENFORCEABLE UNDER FEDERAL LAW  
THE STATE OF TEXAS  
COUNTY OF HARRIS

I hereby certify that this instrument was FILED in file number Sequence on the date and at the time stamped hereon by me, and was duly RECORDED in the Official Public Records of Real Property of Harris County Texas on

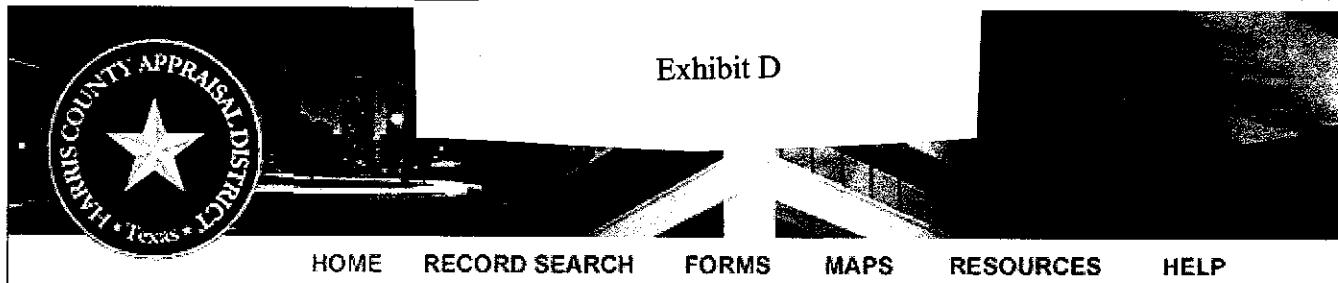
FEB 18 2005



Bonny L. Kaufman

COUNTY CLERK  
HARRIS COUNTY TEXAS

Wednesday



Tax Year: 2005

**HARRIS COUNTY APPRAISAL DISTRICT  
REAL PROPERTY ACCOUNT INFORMATION  
0650170080015**

Print

[Building Details](#) [Similar Owner Name](#) [Nearby Addresses](#) [Related Maps](#)
**Ownership History****Owner and Property Information**

Owner Name & Mailing Address:	<b>DIAZ DELIA G 1415 SOMERCOTES LN CHANNELVIEW TX 77530-4801</b>	Legal Description:	<b>LTS 15 &amp; 16 &amp; S 129 FT OF LT 17 BLK H HOUSTON ACREAGE ESTATES</b>
		Property Address:	<b>5618 TELEPHONE RD HOUSTON TX 77087</b>

**State Class Code**

F1 -- Real, Commercial

**Land Use C**

4327 -- Bar/Lou

Land Area	Building Area	Neighborhood	Map Facet
28,014 SF	13,240	5943.16	5554D

**Value Status Information**

<b>Capped Account</b>	<b>Value Status</b>	<b>ARB Status</b>	<b>Sha</b>
Pending	All Values Pending	Pending	

**Exemptions and Jurisdictions**

Exemption Type	Districts	Jurisdictions	2004 Rate	2005 Rate
None	001	<b>HOUSTON ISD</b>	1.59900	
	040	<b>HARRIS COUNTY</b>	0.39986	
	041	<b>HARRIS CO FLOOD CNTRL</b>	0.03318	
	042	<b>PORT OF HOUSTON AUTHY</b>	0.01673	
	043	<b>HARRIS CO HOSP DIST</b>	0.19021	
	044	<b>HARRIS CO EDUC DEPT</b>	0.00629	
	048	<b>HOU COMMUNITY COLLEGE</b>	0.09598	
	061	<b>CITY OF HOUSTON</b>	0.65000	

**Valuations**

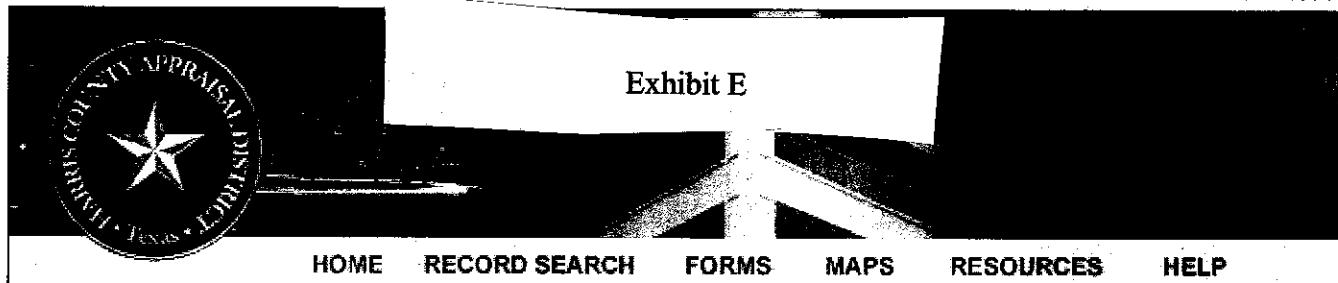
<b>2004 Value</b>	<b>2005 Value</b>
Market	Appraised

Land	Land
Improvement	Improvement
Total	199,930 Total
	Pending

**5-Year Value History**

Building	Year Built	Type	Style	Quality	Impr Sq Ft	Bu
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Wednesday



Tax Year: 2005

**HARRIS COUNTY APPRAISAL DISTRICT  
REAL PROPERTY ACCOUNT INFORMATION  
0591650000106**

Print

<a href="#">Building Details</a>	<a href="#">Similar Owner Name</a>	<a href="#">Nearby Addresses</a>	<a href="#">Related Maps</a>
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#### Ownership History

##### Owner and Property Information

Owner Name & Mailing Address:	<b>DIAZ DELIA 1415 SOMERCOTES LN CHANNELVIEW TX 77530-4801</b>	Legal Description:	<b>TRS 6 6A 6B 7A &amp; 7B PARKVIEW</b>
		Property Address:	<b>4670 TELEPHONE RD HOUSTON TX 77087</b>

##### State Class Code

F1 -- Real, Commercial

##### Land Use Co

4327 -- Bar/Lou

Land Area

45,527 SF

Building Area

3,825

Neighborhood

5943.15

Map Facet

5554B

##### Value Status Information

##### Capped Account

Pending

Value Status

ARB Status

Sha

Pending

##### Exemptions and Jurisdictions

Exemption Type	Districts	Jurisdictions	2004 Rate	2005 Rate
None	001	<b>HOUSTON ISD</b>	1.59900	
	040	<b>HARRIS COUNTY</b>	0.39986	
	041	<b>HARRIS CO FLOOD CNTRL</b>	0.03318	
	042	<b>PORT OF HOUSTON AUTHY</b>	0.01673	
	043	<b>HARRIS CO HOSP DIST</b>	0.19021	
	044	<b>HARRIS CO EDUC DEPT</b>	0.00629	
	048	<b>HOU COMMUNITY COLLEGE</b>	0.09598	
	061	<b>CITY OF HOUSTON</b>	0.65000	

##### Valuations

##### 2004 Value

##### 2005 Value

Market

Appraised

Market

Land

Land

Improvement

Improvement

Total

150,180

150,180 Total

Pending

##### 5-Year Value History

##### Building

Building

Year Built

Type

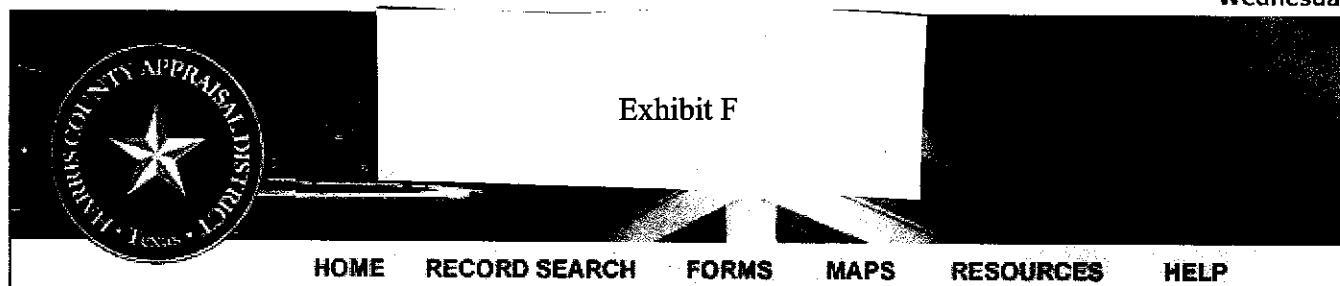
Style

Quality

Impr Sq Ft

Bu

Wednesday



Tax Year: 2005

**HARRIS COUNTY APPRAISAL DISTRICT  
REAL PROPERTY ACCOUNT INFORMATION  
0591650000070**

 [Print](#)

[Building Details](#) | [Similar Owner Name](#) | [Nearby Addresses](#) | [Related Maps](#)

**Ownership History**

**Owner and Property Information**

Owner Name & Mailing Address:	<b>DIAZ DELIA GARICA 1415 SOMERCOTES LN CHANNELVIEW TX 77530-4801</b>	Legal Description:	<b>TR 7 (001*TR 14) PARKVIEW</b>
		Property Address:	<b>4678 TELEPHONE RD HOUSTON TX 77087</b>

State Class Code	Land Use Cod		
F1 -- Real, Commercial	4329 -- Used Car		
Land Area	Building Area	Neighborhood	Map Facet
35,401 SF	1,417	5943.15	5554B

**Value Status Information**

Capped Account		Value Status	ARB Status	Sha
Pending		All Values Pending	Pending	

**Exemptions and Jurisdictions**

Exemption Type	Districts	Jurisdictions	2004 Rate	2005 Rate
None	001 <b>HOUSTON ISD</b>		1.59900	
	040 <b>HARRIS COUNTY</b>		0.39986	
	041 <b>HARRIS CO FLOOD CNTRL</b>		0.03318	
	042 <b>PORT OF HOUSTON AUTHY</b>		0.01673	
	043 <b>HARRIS CO HOSP DIST</b>		0.19021	
	044 <b>HARRIS CO EDUC DEPT</b>		0.00629	
	048 <b>HOU COMMUNITY COLLEGE</b>		0.09598	
	061 <b>CITY OF HOUSTON</b>		0.65000	

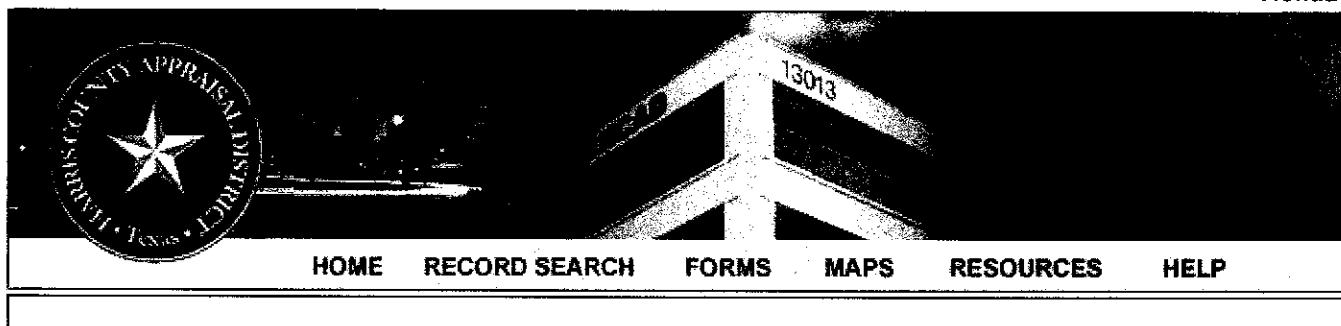
**Valuations**

	2004 Value	Market	Appraised	2005 Value	Market
Land			Land		
Improvement			Improvement		
Total	82,550		82,550 Total		Pending

**5-Year Value History**

Building	Year Built	Type	Style	Quality	Impr Sq Ft	I
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Monday

**REAL PROPERTY : RECORDS SEARCH**

Your search for owner name : **DIAZ DELIA** in tax year **2005** returned **5 record(s)**.  
For information concerning the policies and functions of these pages, please see our [disclaimer](#).

**ACCOUNT INFORMATION**

Account Number	Owner Name	Property Address	Zip	Impr Sq Ft	Appraised Value
0591650000106	DIAZ DELIA	4670 TELEPHONE RD	77087	3,825	Pending
<del>1143140030073</del>	<del>DIAZ DELIA</del>	<del>22203 FALCONWOOD LN</del>	<del>77373</del>	<del>1,455</del>	<del>\$101,500</del>
0650170080015	DIAZ DELIA G	5618 TELEPHONE RD	77087	13,240	Pending
1145570050053	DIAZ DELIA GARCIA MEDELES	1415 SOMERCOTES LN	77530	2,524	\$141,300
0591650000070	DIAZ DELIA GARICA	4678 TELEPHONE RD	77087	1,417	Pending

NO. 2001-35678

PATRICIA GARCIA, as Next )IN THE DISTRICT COURT  
Friend of minor children, )  
DEMETRIA GARCIA, BLANCA VIDAL)  
PARDO and VIDAL PARDO, JR. )  
)  
VS. )HARRIS COUNTY, TEXAS  
)  
HOUSTON HARRIS DIVISION )  
PATROL, INC., et al. )80TH JUDICIAL DISTRICT

ORAL DEPOSITION OF DELIA DIAZ

September 7, 2004

Oral deposition of DELIA DIAZ was taken on  
September 7, 2004, in the offices of Michael P.  
Von Blon & Associates, 1231 Antoine, Houston, Texas,  
from 9:00 a.m. to 9:32 a.m., before Dickie Zimmer,  
Certified Shorthand Reporter, pursuant to Notice,  
Subpoena, and Texas Rules of Civil Procedure and under  
the following agreement of counsel for the respective  
parties that:

Signature of the witness being waived.

Exhibit G

2 APPEARANCES

3

4 FOR THE PLAINTIFFS:

5 Michael P. Von Blon & Associates  
1231 Antoine  
Houston, Texas 77055  
6 By: Michael P. Von Blon

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1 (Exhibit 1 marked)

2 DELIA DIAZ,

3 having been duly sworn, testified as follows:

4 EXAMINATION

5 BY MR. VON BLON:

6 Q. Would you state your name for the record?

7 A. Delia Diaz.

8 Q. And, Ms. Diaz, have you ever had your deposition

9 taken before?

10 A. Yes.

11 Q. Okay. How many times?

12 A. Once.

13 Q. All right. And was that in --

14 A. The attorney --

15 Q. What was that in connection with?

16 A. With Las Palmas --

17 Q. Okay.

18 A. -- and the Defendants.

19 Q. You mean in the lawsuit that I filed?

20 A. Uh-huh, in the lawsuit that you filed with the  
21 other attorney.

1 as employment?

2 A. No.

3 Q. And how much do you get paid there?

4 A. 200.

5 Q. A week?

6 A. A week.

7 Q. Tell me what other real estate you own.

8 A. 5618 Telephone Road.

9 Q. 5618 Telephone Road?

10 A. Yes.

11 Q. Is that a lot or is there a building there?

12 A. There's a building.

13 Q. Okay. What building is there?

14 A. It's called La Feria.

15 Q. Can you spell that?

16 A. F-E-R-I-A.

17 Q. F-E --

18 A. -- R-I-A.

19 Q. Okay. Is that a nightclub?

20 A. It's a bar.

21 Q. And that's where the old -- one of your old

22 nightclubs used to be, Las Palmas No. 2, correct?

23 A. Correct.

24 Q. Okay. And do you have an ownership interest in

25 the bar?

9

1 A. No, I don't.

2 Q. Who owns the bar?

3 A. Refugio Medina. He has the license at the  
4 moment.

5 Q. What's his name?

6 A. Refugio. R-E-F-U-G-I-O.

7 Q. Is that your brother-in-law?

8 A. No.

9 Q. Is he related to you?

10 A. No.

11 Q. Okay. Is -- I mean, he's not related to you by  
12 marriage or any other way?

13 A. No.

14 Q. Okay. The 5618 Telephone Road location, does it  
15 have a mortgage against it?

16 A. No.

17 Q. Okay. And so, it's owned free and clear by you?

18 A. Uh-huh.

19 Q. Is that a "yes"?

20 A. Yes.

21 Q. And Mr. Medina is leasing it. Do you have a  
22 written lease agreement?

23 A. No.

24 Q. Okay. It's month to month?

25 A. Yes.

1 Q. Where does Mr. Medina live?

2 A. I don't know.

3 Q. Okay. Where does --

4 A. In Pasadena, I just know that much.

5 Q. In Pasadena?

6 A. Yes.

7 Q. How much does he lease that facility from you  
8 for?

9 A. 1,000.

10 Q. 1,000 a month?  
11 A. Uh-huh.

12 Q. Do you have any idea what that location is worth?

13 A. About 150,000.

14 Q. Where does Mr. Medina -- how does he pay you the  
15 lease payments?

16 A. Cash.

17 Q. And do you go by and pick it up, or what?

18 A. Yes.

19 Q. How long has he been leasing from you?

20 A. Two years.

21 Q. Any other real estate that you have an ownership  
22 interest in?

23 A. Las Palmas No. 1, 4660 Telephone Road.

24 Q. 4616?

25 A. 4660.

1 Q. Okay. And that's where the Las Palmas nightclub  
2 was or is that was the underlying lawsuit that this is  
3 about, correct?

4 A. Yes.

5 Q. Is that paid for?

6 A. No.

7 Q. How much is on that lien?

8 A. How much is owed?

9 Q. How much is still owed?

10 A. About 250,000.

11 Q. What do you think that property is worth?

12 A. Maybe, 500,000.

13 Q. Who's the lienholder?

14 A. Maxie Strong.

15 Q. How much do you pay her monthly?

16 A. 3,000.

17 Q. And how do you pay her, by check?

18 A. Yes.

19 Q. And where do you send her the check?

20 A. To her address.

21 Q. What is her address?

22 A. I don't know.

23 Q. If we left a blank in the deposition, could you

24 provide that?

25 A. Yes.

1 Q. Okay. Do you know how much -- do you have a  
2 written note for this mortgage?

3 A. Yes, I do.

4 Q. And how much is left on that note?

5 A. About 250,000.

6 Q. I mean, how many years are left?

7 A. Ten.

8 Q. Who is -- are you renting 4660 Telephone Road to  
9 anyone?

10 A. Yes, I am.

11 Q. Who's renting?

12 A. Douglas Rivas.

13 Q. Is he related to you?

14 A. No, he's not.

15 Q. Not by marriage or otherwise?

16 A. No.

17 Q. How much is Mr. Rivas paying you monthly?

18 A. 3,000.

19 Q. And you don't get anything else from that?

20 A. No.

21 Q. And how does he pay you, cash?

22 A. Cash.

23 Q. Do you own any other real estate?

24 A. No.

25 Q. 4678 and 4670 Telephone Road is coming up that

13

1 you own.

2 A. That's the empty lot next to the Palmas No. 1.

3 Q. Okay. So, when you were talking about the 4660,

4 that's the address for Las Palmas; but it also includes

5 the 4678 and 4670 lots?

6 A. There's an empty lot next to the Palmas No. 1,

7 and there's a car lot next to that.

8 Q. And you own both of those?

9 A. Yes.

10 Q. All right. The car lot, are you --

11 A. Uh-huh. Go ahead.

12 Q. First of all, is the car lot -- are you leasing

13 that to someone?

14 A. Yes.

15 Q. Which is the car lot?

16 A. I don't know. I don't know if it's 4670 or 4678.

17 Q. Who are you leasing that to?

18 A. I know it's Continental Car Lot. I don't recall

19 his name.

20 Q. Do you have a written lease with him?

21 A. Yes.

22 Q. By the way, do you have a written lease with

23 Douglas Rivas?

24 A. Yes.

25 Q. And how much is left on that lease to Douglas

1 Rivas?

2 A. In April of 2005 it expires.

3 Q. All right. And the Continental Car Lot, when

4 does that lease expire?

5 A. 2006.

6 Q. Do you know what month?

7 A. No.

8 Q. Where are those leases?

9 A. In my property.

10 Q. Are they at 1415 Somercotes?

11 A. Yes.

12 Q. How much does Continental Car Lot pay for that  
13 property?

14 A. 600.

15 Q. Is that cash --

16 A. Yes.

17 Q. -- per month?

18 A. Cash per month.

19 Q. And you go by there and collect it?

20 A. Yes, I do.

21 Richard Conteras. That's his name.

22 Q. Richard Quinteros?

23 A. Yes.

24 Q. Q-U-I-N-T-E-R-O-S?

25 A. Conteras, C-O-N-T --

1 Q. C-O-N-T?

2 A. -- E-R-A-S.

3 Q. Okay. And is he related to you --

4 A. No.

5 Q. -- by blood or marriage?

6 A. No.

7 Q. How much is left on -- do you owe anything on  
8 that car lot property?

9 A. No.

10 Q. What do you think the value of it is?

11 A. Maybe, about 80,000.

12 Q. And is the car lot in your name?

13 A. Yes.

14 Q. And the 4660 Telephone Road Las Palmas address,  
15 that's in your name?

16 A. Yes.

17 Q. Any other real estate that you own?

18 A. The empty lot.

19 Q. That's either 4670 or 4678 Telephone Road?

20 A. (Witness nods head.)

21 Q. Is that correct?

22 A. Correct.

23 Q. Any other --

24 A. No.

25 Q. -- real estate, other than that?

23

24

25

29

1 NO. 2001-35678

2 PATRICIA GARCIA, as Next )IN THE DISTRICT COURT  
Friend of minor children, )  
3 DEMETRIA GARCIA, BLANCA VIDAL)  
PARDO and VIDAL PARDO, JR. )  
4 )  
VS. )HARRIS COUNTY, T E X A S  
5 )  
HOUSTON HARRIS DIVISION )  
6 PATROL, INC., et al. )80TH JUDICIAL DISTRICT

7

8 REPORTER'S CERTIFICATION

9 DEPOSITION OF DELIA DIAZ

10 September 7, 2004

11

12 I, Dickie Zimmer, Certified Shorthand

13 Reporter in and for the State of Texas, hereby certify

14 to the following;

15 That the witness, DELIA DIAZ, was duly sworn

16 by the officer and that the transcript of the oral

17 deposition is a true record of the testimony given by

18 the witness;

19 That examination and signature of the  
20 witness to the deposition transcript was waived by the  
21 witness and agreement of the parties at the time of the  
22 deposition;

23 That the original deposition was delivered  
24 to ;  
25

30

1 That the amount of time used by each party  
2 at the deposition is as follows:

3 Mr. Von Blon -- 30 minutes  
4 That \$ is the deposition officer's  
5 charges to for preparing  
6 the original deposition transcript and any copies of  
7 exhibits;

8 That pursuant to information given to the  
9 deposition officer at the time said testimony was taken,  
10 the following includes counsel for all parties of  
11 record:  
FOR THE PLAINTIFFS:  
12 Michael P. Von Blon & Associates  
1231 Antoine

13           Houston, Texas 77055  
14           By: Michael P. Von Blon, TB#20612000

14           FOR DELIA DIAZ, PRO SE.:

15          1415 Somercotes  
16           Channelview, Texas 77530

17           That a copy of this certificate was served

18          on all parties shown herein on

19          and filed with the Clerk pursuant to Rule 203.3.

20           I further certify that I am neither counsel

21          for, related to, nor employed by any of the parties or

22          attorneys in the action in which this proceeding was

23          taken, and further that I am not financially or

24          otherwise interested in the outcome of the action.

25

1           Further certification requirements pursuant  
2 to Rule 203 TRCP will be certified after they have  
3 occurred.

6

7

8 Dickie Zimmer, Texas CSR 1954  
Expiration Date: December 31, 2005  
9 O'Neal\*Probst\*Wells, L.L.C.  
10 1314 Stanford  
Houston, Texas 77019  
713.521.1314

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81

IN THE UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

IN RE §  
§  
DELIA GARCIA DIAZ, § CHAPTER 13 BANKRUPTCY  
§ CASE NO.: 05-32961-H1-13  
Debtor §  
§  
PATRICIA GARCIA, as Next Friend for §  
VIDAL PARDO, JR., AND BLANCA VIDAL §  
PARDO, DEMETRIA GARCIA AND §  
MICHAEL P. VON BLON §  
§  
Movants, §  
§  
VS. §  
§  
DELIA GARCIA DIAZ, Debtor, and §  
DANIEL EMMETT O'CONNELL, Trustee, §  
§  
Respondents. §

AFFIDAVIT OF MICHAEL P. VON BLON, ESQ. IN SUPPORT OF MOTION OF  
PATRICIA GARCIA, AS NEXT FRIEND FOR VIDAL PARDO, JR., AND BLANCA  
VIDAL PARDO, DEMETRIA GARCIA AND MICHAEL P. VON BLON  
TO DISMISS CHAPTER 13 CASE OR CONVERT TO CHAPTER 7

---

MICHAEL P. VON BLON, Esq. upon being duly sworn deposes and says:

My name is Michael P. Von Blon. I am over the age of 18 years and fully competent to make and give this Affidavit in support of the Motion of Patricia Garcia, as Next Friend of Vidal Pardo, Jr., and Blanca Vidal Pardo, Demetria Garcia and Michael P. Von Blon to Dismiss Chapter 13 Case or Convert to Chapter 7. Unless stated otherwise, I have personal knowledge of all facts stated herein.

I am an attorney duly licensed under the laws of the State of Texas. My Texas State Bar Number is 20612000. I was the attorney of record for Plaintiff Patricia Garcia as Next Friend of Vidal Pardo, Jr., Blanca Vidal Pardo and Demetria Garcia in cause number 2001-35678, styled Patricia Garcia as Next Friend of Vidal Pardo, Jr., Blanca Vidal Pardo and Demetria Garcia vs. Houston Harris Division Patrol, Inc., Delia Garcia and Ruben Diaz, in the 80<sup>th</sup> Judicial District Court of Harris County, Texas. Defendant Delia Garcia is also known as Delia Garcia Diaz and Delia Mendeles Diaz and is the debtor in the above entitled and numbered bankruptcy case.

On 21 June 2004, after trial before the Court, the 80th Judicial District Court of Harris County, Texas, rendered, signed and entered its Final Judgment against Defendant Delia Diaz in the principal amount of \$1,500,000 with interest thereon at the rate of 5% per annum, compounded annually, and costs of court. Exhibit "A" attached to Movants' Motion to Dismiss is a true and correct copy of the Final Judgment.

On 2 September 2004 I caused to be filed in the Public Records of Harris County, Texas an Abstract of Judgment regarding the Final Judgment herein described. Exhibit "B" attached to Movants' Motion to Dismiss is a true and correct copy of the Abstract of Judgment after recording by the County Clerk of Harris County, Texas.

On 18 February 2005 I caused to be filed in the Public Records of Harris County, Texas an Amended Abstract of Judgment regarding the Final Judgment herein described. Exhibit "C" attached to Movants' Motion to Dismiss is a true and correct copy of the Abstract of Judgment after recording by the County Clerk of Harris County, Texas.

On 7 September 2004, I conducted a post judgment discovery oral deposition of Debtor under oath and duly recorded by a Certified Court Reporter in cause number 2001-35678 aforesaid. Exhibit "G" attached to Movants' Motion to Dismiss is a true and correct copy of the portions of Debtor's deposition and sworn testimony as reflected therein.

I have reviewed the public records of the Harris County Appraisal District regarding the non-exempt real property scheduled by Debtor in her Schedule A filed herein on or about 31 March 2005. Exhibits "D," "E" and "F" attached to Movants' Motion to Dismiss are true and correct copies of the Harris County Appraisal District Real Property Account information regarding Debtor's scheduled non-exempt real property as published on its World Wide Web page on 21 June 2005.

On or about 27 May 2005 Movants filed in the bankruptcy herein their Proof of Claim regarding the Final Judgment.

Since the signing of the Final Judgment aforesaid, Blanca Vidal Pardo and Demetria Garcia have reached majority. Vidal Pardo, Jr. remains a minor child.

As part of my legal fee for services to Movants, they have assigned to me forty percent (40%) of the Final Judgment.

Debtor is not entitled to any credits or rights of setoff regarding the Final Judgment. The Final Judgment remains unsatisfied and released in whole. The time for appeal of the Final judgment under Texas law has expired and the Final Judgment is non-appealable, final and subsisting.

Further sayeth Affiant not.



Michael P. Von Blon

SUBSCRIBED AND SWORN BY MICHAEL P. VON BLON BEFORE ME  
THE UNDERSIGNED AUTHORITY ON THE 21 DAY OF JUNE, 2005.



Notary Public  
State of Texas

